

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5 and 14-19 are pending in this application. Claims 1, 5, 14 and 17, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed, and specifically at paragraphs [0080]-[0086] of the Published Application. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

Applicants respectfully submit that the objection to the specification under 37 C.F.R. § 75(d)(1) requiring that the claim limitation “computer-readable medium” have proper antecedent basis in the Specification is improper. 37 C.F.R. § 75(d)(1) states:

“The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.”

Applicants submit that the claim limitation “computer-readable medium” is supported in the Specification at least at in the abstract and original claims.

## II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-5 and 14-19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,039,599 to Merriman, et al. (hereinafter, merely “Merriman”)

Claim 1 recites, *inter alia*:

“...wherein the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given,

wherein the predetermined operation is one or more instructions, each operation processed in accordance with the related information upon execution of a specific operation instruction.”  
(emphasis added)

Claim 1 generally relates to the handling of an information picture. An information picture comprises picture information which is displayed and related information. Upon execution of a specific operation instruction, a predetermined operation is performed. The predetermined operation is one of more instructions, each processed in accordance with the related information.

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 44-49, relate to describing a feedback loop where a user may or may not take action and from there a fee is calculated and the ad is replaced.

Applicants respectfully submit that such disclosure does not render claim 1 unpatentable.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Merriman fails to teach or suggest that the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given and that the predetermined operation is one or more instructions, each operation processed in accordance with the related information upon execution of a specific operation instruction, as recited in claim 1.

Therefore claim 1 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 1, claims 5, 14, and 17 are also patentable.

Furthermore, claim 14, recites, *inter alia*:

“an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance...” (emphasis added)

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 31-43, relate to feedback. The feedback may include a user's response and the conditions the response was received under. This information is fed into a feedback loop. A predictive model uses the information to direct future ads.

Applicants respectfully submit that such disclosure of a feedback system does not render claim 1 unpatentable. Specifically, Applicants submit that such disclosure **does not** teach or suggest an updating permission/negation unit for determining permission/negation of

updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 14.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 14. Specifically, Applicants submit that Merriman fails to teach or suggest an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 14.

Therefore claim 14 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 14, claim 17 is also patentable.

### **III. DEPENDENT CLAIMS**

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:



Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800